

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
GMA ACCESSORIES, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CHARLOTTE SOLNICKI, CHARLOTTE B, LLC,	:	
EMINENT, INC., SAKS FIFTH AVENUE, INC.,	:	
INTERMIX, INC., WINK NYC, INC.,	:	07 CV 3219 (LTS)(DCF)
LISA KLINE, INC., GIRLSHOP, INC.,	:	
SHOWROOM SEVEN STUDIOS, INC.,	:	
ELECTRIC WONDERLAND, INC.,	:	
SHOWROOM SEVEN INT'L,	:	
SHOWROOM SEVEN, JONATHAN SINGER,	:	
GOSI ENTERPRISES, LTD., LEWIS TIERNEY,	:	
TIERNEY DIRECT LLC and	:	
JONATHAN SOLNICKI,	:	
	:	
Defendants.	:	
-----X	:	

**DECLARATION OF MARY L. GRIECO AND EXHIBITS IN SUPPORT OF SANEI
CHARLOTTE RONSON, LLC'S MOTION TO SEVER AND STAY GMA
ACCESSORIES, INC.'S MOTION FOR CONTEMPT AND IN OPPOSITION TO GMA
ACCESSORIES, INC.'S MOTION FOR CONTEMPT**

MARY L. GRIECO declares as follows under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney licensed to practice law in the States of New York and California and in Washington, D.C. I am an attorney for the non-party, Sanei Charlotte Ronson, LLC ("Ronson"). I submit this declaration in support of Ronson's Motion to Sever and Stay Plaintiff's Motion for Contempt against Ronson and BOP LLC ("BOP") and in support of Ronson's Opposition to Plaintiff's Motion for Contempt.

2. Other than as expressly set forth herein, the matters contained herein are based on my personal knowledge and my direct involvement in this action, the action entitled *Sanei Charlotte Ronson v. GMA Accessories*, 07 Civ. 9578 (RS)(DCF) (the “*Sanei Case*”) and the opposition proceeding before the Trademark Trial and Appeal Board (the “TTAB”) entitled *GMA Accessories, Inc. v. Sanei Charlotte Ronson, LLC*, Opposition No. 91167353 (the “Opposition”).

3. I am one of the attorneys responsible for maintaining Ronson’s trademarks in the United States.

4. On October 8, 2004, C. Ronson, Inc. applied for the mark CHARLOTTE RONSON in class 25 for use on clothing, namely, tops, pants, skirts, dresses, hats, caps, jackets, coats, headwear, underwear, sleepwear, and footwear, Serial No. 78/507,236.

5. On October 11, 2005, C. Ronson, Inc. applied for the mark CHARLOTTE RONSON in class 14 for use on jewelry, namely, necklaces, bracelets, earrings, rings, pins, and watches, Serial No. 78/507,242.

6. On October 28, 2004, C. Ronson, Inc. applied for the mark CHARLOTTE RONSON in class 18 for use on handbags, wallets, luggage, backpacks, travel bags, and cosmetic cases sold empty, Serial No. 78/507,248. The class 14 mark, the class 25 mark and the class 18 mark are collectively referred to as the “CHARLOTTE RONSON Marks” or the “Ronson Marks.”¹

7. Despite the fact that (i) Ronson does not use the first name, CHARLOTTE, separately from the last name, RONSON, as a trademark; (ii) that the word CHARLOTTE is always used in the same color as the name RONSON; and (iii) that the mark is always presented as a unitary whole, GMA opposed these applications based on its federal registrations. The three oppositions, the

¹ The CHARLOTTE RONSON Marks were assigned to Sanei Charlotte Ronson, LLC and the assignments were properly recorded with the USPTO on April 14, 2006.

earliest of which began on October 31, 2005, have all been consolidated under Opposition No. 91167353 before the TTAB. I have been involved with the Opposition since it began.

8. The Opposition has been a hotly contested proceeding. In the course of the Opposition, GMA moved for summary judgment, arguing that the TTAB should refuse to register the CHARLOTTE RONSON Marks as a matter of law. On November 6, 2006, the TTAB denied GMA's motion for summary judgment, noting the numerous other brands in fashion share common personal names: "applicant's evidence of third-party registrations that share a common name in the fashion industry raises a genuine issue of material fact regarding the perception of prospective consumers of applicant's and opposer's marks." *See GMA Accessories, Inc. v. Sanei Charlotte Ronson, LLC*, Opposition No. 91167353 (TTAB Nov. 6, 2006). Ronson currently has a motion for summary judgment pending and GMA has a motion for reconsideration pending. The Opposition has been suspended pending the outcome of the *Sanei* Case.

9. Below are a few examples of trademarks found as a result of an online search of the United States Patent and Trademark Office ("PTO") records that share common names in related classes:

LAUREN

MARK	REG. NO.	REGISTRANT/LAST LISTED OWNER	CLASSES
LAUREN	2419959	PRL USA Holdings, Inc. (Ralph Lauren)	Classes 14, 18
LAUREN	2246900	PRL USA Holdings, Inc. (Ralph Lauren)	Class 25
RALPH LAUREN	2207011	PRL USA Holdings, Inc. (Ralph Lauren)	Class 25
RALPH LAUREN	1835393 1972538	PRL USA Holdings, Inc. (Ralph Lauren)	Class 14
CHAPS RALPH LAUREN	2966823	PRL USA Holdings, Inc. (Ralph Lauren)	Class 25

RALPH RALPH LAUREN	1969298	PRL USA Holdings, Inc. (Ralph Lauren)	Class 25
LAUREN SCOTT	2971539	Knight Textile Corporation	Class 25
DENA LAUREN Stylized	2410220	Lawrence Stevens Fashions, Ltd.	Class 25
JENNIFER LAUREN Stylized	2410215	Lawrence Stevens Fashions, Inc.	Class 25
SAGE LAUREN	1419281	Grand Knitting Mills, Inc.	Class 25
LAUREN LEE	1901806	Rhoda Lee, Inc.	Class 25
LAUREN SARA	1601004	Lauren Sara, Ltd.	Class 25
LAUREN GUINOT	2945272	Lauren Guinot	Class 14
LAUREN- SPENCER	2837985	OTC, Inc.	Class 14
LAUREN G. ADAMS	2719826	JJ Gold, Inc.	Class 14

GIORGIO

MARK	REG. NO.	REGISTRANT/LAST LISTED OWNER	CLASSES
GIORGIO BEVERLY HILLS	1008097	Giorgio Beverly Hills, Inc.	Classes 18, 25
GIORGIO BEVERLY HILLS & Design	1050608	Giorgio Beverly Hills, Inc.	Class 14
GIANI- GIORGIO	2600385	Giani-Giorgio (Montres) Ltd.	Class 14
GIORGIO VISCONTI Stylized	2542196	GIORGIO VISCONTI S.P.A.	Class 14
GIORGIO	1428310	Giorgio Beverly Hills, Inc.	Class 14
GIORGIO ARMANI	1156891	GA Modefine S.A.	Class 14
GIORGIO ARMANI	2890116	GA Modefine S.A.	Class 25
GIORGIO MORETTO and Design	1422851	Calzaturificio Giorgio Moretto & C. S.A.S.	Classes 18, 25
GIORGIO KAUTEN	2221039	Progetti Kauten SpA	Classes 18, 25

GIORGIO FERRARO	3063355	Gloria Kim	Class 25
GIORGIO COSANI	2736790	Hovsep Kouzouyan	Class 25
GIORGIO BY GIORGIO COSANI	2724391	Hovsep Kouzouyan	Class 25
GIORGIO BISSONI	2510490	Steven Shapiro	Class 25
GIORGIO EBENNI	2959266	M.E.R. Enterprises, Inc.	Class 25
GIORGIO SANETTI Stylized	2907738	Sami Marina, Inc. d/b/a Marina Imports	Class 25
GIORGIO REGGIANI	2786060	Mabro S.p.A.	Class 25
GIORGIO BRUTINI	2715464	Harbor Footwear Group, Ltd.	Class 25
GIORGIO ZILLIONI	2490699	Paul Jardin of USA, Inc.	Class 25

LIZ

MARK	REG. NO.	REGISTRANT/LAST LISTED OWNER	CLASSES
LIZ THOMAS	2507659	Branded LLC	Class 14
LIZ CORD	2564172	Elisabeth Cord	Class 14
LIZ GATTA	2423434	Liz Gatta	Class 14
LIZ SOTO	1562095	Elizabeth M. Soto	Classes 14, 26
LIZ PALACIOS	2653325	Liz Palacios Designs	Class 14
LIZ CLAIBORNE & Design	2784512	L.C. Licensing, Inc. (Liz Claiborne)	Classes 9, 18, 25, 35
LIZ CLAIBORNE	1573265	L.C. Licensing, Inc. (Liz Claiborne)	Class 14
LIZ	2841408	L.C. Licensing, Inc. (Liz Claiborne)	Class 25
LIZ & CO.	2765530	L.C. Licensing, Inc. (Liz Claiborne)	Class 25
LIZ LANGE	2360437	Elizabeth Lange, LLC	Class 25
LIZ & ME	1431256	Virginia Specialty Stores, Inc.	Class 25
LIZ PHILLIPS	1429324	Ada Outerwear, Ltd.	Class 25

LIZ BAKER	1276301	J.C. Penney Private Brands Inc.	Class 25
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KATE

MARK	REG. NO.	REGISTRANT/LAST LISTED OWNER	CLASSES
KATE SPADE NEW YORK	3092920	Kate Spade, LLC	Class 14
KATE SPADE	2578942	Kate Spade, LLC	Class 25
KATE LANDRY	2977007	Dillard's Inc.	Class 14
KATE LANDRY	2086397	Dillard's Inc.	Class 25
KATE MACK	2903269	Biscotti, Inc.	Class 18, 25
KATE MILLER	2998401	WE s.n.c. Marco Crevani & Roberto Ugolini	Class 25
KATE LORD	2830925 2925694	Ahead, Inc.	Class 25
KATE O'CONNOR	2914228	Kate O'Connor	Class 25
KATE HILL	2521282	Mary Department Stores Company	Class 25
KATE SYLVESTER	2572808	Wayne Fraser Conway & Kate Elizabeth Sylvester	Class 25
KATE KANYON	2370865	Canyon View Cashmere, LLC	Class 25
KATE COLLINS	1370260	El & E Novelty Co., Inc.	Class 25

CARLA

MARK	REG. NO.	REGISTRANT/LAST LISTED OWNER	CLASSES
CARLA CARINI Stylized	2904276	Carla Carini S.p.A.	Class 25
CARLA FRACCI	2706093	Carla Fracci	Classes 14, 24, 25
CARLA CONTI	2090658	Canmi, S.A. De C.V.	Class 25
CARLA	0868384	Carla Jewelry Corp.	Class 14
CA CARLA AMORIM Stylized	2845096	CK Amorim Ltda.	Class 14

DIANE

MARK	REG. NO.	REGISTRANT/LAST LISTED OWNER	CLASSES
PRINCESS DIANE (Stylized)	1387179	Diane Von Furstenberg Studio	Classes 3, 25
DIANE VON FURSTENBERG	2877401	Diane Von Furstenberg Studio	Classes 9, 14, 24
DIANE POITIERS and Design	3087137	Emcoltex Ltda.	Class 25
DIANE RAULSTON	3117663	Diane Raulston	Class 25
DIANE GILMAN	2433104	Diane Gilman	Class 18, 25
KELLY AND DIANE	2398751	Maggy London International, Ltd.	Class 25
DIANE'S ESSENTIALS	2389485	GMR Fashion, Inc.	Class 25
DIANE PETERSON	2371620	Winston Apparel Co., Ltd.	Class 25
DIANE DALIS	2290791	Compagnie Des Vosges	Class 25
MAX AND DIANE	1457584	Trans Fashion Industries, Inc.	Class 25
DIANE LILLI	1411387	Miss Eileen IV, Inc.	Class 25
DIANE FREIS Stylized	1354293	Diane Freis	Class 25

GIO

MARK	REG. NO.	REGISTRANT/LAST LISTED OWNER	CLASSES
GIO MORETTI	1466096	Bronx S.R.L.	Class 18, 25
GIO CELLINI	2543722	DiMauro Srl.	Class 18, 25
GIO'	2185424	GA Modefine S.A.	Classes 3, 25
GIO BRASSERO	1592116	S&K Famous Brands, Inc..	Class 25
GIO MONACO & Design	2829240	Pietro Ascione	Class 14

CHRISTIAN

MARK	REG. NO.	REGISTRANT/LAST LISTED OWNER	CLASSES
RALPH CHRISITAN	3108078	Timepieces International Inc.	Class 14
CHRISTIAN LACROIX	2896646	Christian Lacroix Corporation	Class 8, 14, 21
CHRISTIAN LACROIX	1499154	Societe Christian Lacroix Company	Classes 3, 9, 14, 18, 25
CHRISTIAN BERNARD & Design	2382735	Christian Bernard Diffusion	Class 14
CHRISTIAN BERNARD	2508879	Christian Bernard Stores Corporation	Class 14, 42
CHRISTIAN TSE	2657542	Christian Hoa Tse	Class 14
JOHN CHRISTIAN	2278405	Worldwide Jr. Wood d/b/a John Christian Company	Class 14
CHRISTIAN DIOR	1468222	Christian Dior, S.A.	Class 14
CHRISTIAN DIOR	0580207 0519367	Christian Dior Couture, S.A.	Class 14
CHRISTIAN DIOR	0639714	Christian Dior Couture, S.A.	Class 25
CHRISTIAN DIOR Stylized	0592225	Christian Dior Couture, S.A.	Class 25
CHRISTIAN BERG	3018056	Anson's Herrenhaus KG	Classes 3, 18, 25
CHRISTIAN & Design	2593706	Gabriel Tennberg d/b/a Christian International	Class 25
CHRISTIAN MICHELE	2520926	Group USA	Class 25
CHRISTIAN GIORGIU	2434281	American Design Group, Inc.	Class 25
CHRISTIAN GAINES	2775941	Troyal G. Brooks	Class 25
CHRISTIAN ALESSIA	2443720	Constantino Congiu Cecchi	Class 25
CHRISTIAN TRAPANI	2133228	V.S. Sport, Ltd.	Class 25
CHRISTIAN A.	1879842	Christian A. Inc	Class 25
CHRISTIAN DE CASTELNAU	1475100	CHRISTIAN SARRAMIA DE CASTELNAU	Class 25

CHRISTIAN LOUBOUTIN Stylized	1816940	CHRISTIAN LOUBOUTIN	Class 25
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KLEIN

MARK	REG. NO.	REGISTRANT/LAST LISTED OWNER	CLASSES
ANNE KLEIN	1006943 1049090	Jones Investment Co. Inc.	Class 25
CALVIN KLEIN	1086041	Calvin Klein Trademark Trust	Class 25
CALVIN KLEIN	1226396	Calvin Klein Trademark Trust	Classes 3, 16, 24, 25
MICHEL KLEIN	1395833 2920377	Michel Klein	Class 25
ANNE KLEIN II	1425808	Jones Investment Co. Inc.	Class 25
JULIA KLEIN	1581671	Sharilove Fashions	Class 25
CHARLES KLEIN	1905702	Burlington Coat Factory Warehouse Corp.	Class 25
FRANKLIN KLEIN	2354070	Makalot USA, Inc.	Class 25
KLEIN Stylized	2801733	Steven H. Klein d/b/a Klein Acoustic Guitars	Class 15, 25

REBECCA

MARK	REG. NO.	REGISTRANT/LAST LISTED OWNER	CLASSES
REBECCA'S Design	1431259	Rebecca C. Temple d/b/a Rebecca's	Class 25
REBECCA MOSES	1495162	Studio Enterprises, Inc.	Class 25
REBECCA LYNN	1482447	Branded LLC	Class 25
REBECCA STONE	1618870	B.N.B. LLC	Class 25
REBECCA TAYLOR	2132863	Rebecca Taylor	Class 25
REBECCA TAYLOR	2919208	Rebecca Taylor	Class 14
CATHERINE REBECCA	2281397	NSR, Inc.	Class 25

REBECCA MALONE	2821443	Specialty Retailers, Inc.	Classes 14, 25
REBECCA V. Stylized	2653238	The Lunada Bay Corporation	Classes 9, 18, 24, 25
REBECCA JONES	2617542	Jeffery Zinn	Class 25
REBECCA JEWELL	2585184	Rebecca Jewell	Class 25
REBECCA BEESON	2994668	Rebecca Beeson Inc.	Class 25
RGD REBECCA GODSON DESIGN	3050085	Rebecca Godson	Class 14

TOMMY

MARK	REG. NO.	REGISTRANT/LAST LISTED OWNER	CLASSES
TOMMY	2389024 2475142	Tommy Hilfiger Licensing LLC	25
TOMMY HILFIGER	1995802	Tommy Hilfiger Licensing LLC	3, 18, 25
TOMMY HILFIGER	2162940	Tommy Hilfiger Licensing LLC	14, 25
TOMMY HILL	1173426	Tommy Hilfiger Licensing LLC	25
TOMMY GIRL	2499283	Tommy Hilfiger Licensing LLC	25
TOMMY SPORT	2923577	Tommy Hilfiger Licensing LLC	25
TOMMY BAHAMA	1802812	Tommy Bahama Group, Inc.	25
TOMMY BAHAMA	2551210	Tommy Bahama Group, Inc.	14
TOMMY BOY	2478731	Tommy Boy Music, Inc.	25
TOMMY-ATO & Design	2563997	Joalan Enterprises Ltd.	25, 28
TOMMY NUTTER	2297727	J&J Crombie Limited	3, 25
TOMMY TUCKER T-SHIRTS & Design	2683749	Tommy Tucker T-Shirts, Inc.	25

TOMMY & OSCAR Design	2645168	Rainbow - S.R.L.	16, 25, 28
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EMILIO

MARK	REG. NO.	REGISTRANT/LAST LISTED OWNER	CLASSES
EMILIO	0850256	Emilio Pucci International B.V.	Class 25
EMILIO PUCCI	1675914	Emilio Pucci International B.V.	Class 25
EMILIO PUCCI	1687909	Emilio Pucci International B.V.	Class 25
EMILIO PUCCI	3029721	Emilio Pucci International B.V.	Class 25
EMILIO PUCCI	3218199	Emilio Pucci International B.V.	Class 18
EMILIO PUCCI	3382298	Emilio Pucci International B.V.	Class 14
EMILIO FRANCO	1650826	Pelar, Inc.	Class 25
EMILIO FRANCO	2500779	Pelar, Inc.	Class 25
EMILIO FRANCO & Design	2488618	Pelar, Inc.	Class 25
EMILIO FRANCO & Design	2512573	Pelar, Inc.	Class 25
EMILIO ROBBA	1933336	Emilio Robba S.A.R.L.	Classes 3, 11, 14, 18, 20, 21, 24, 25, 26, 27, 28
EMILIO VISCONTI EV & Design	2160957	European Classic, Ltd.	Class 25
Y EMILIO YUSTE	2717284	Emilio Yuste Gonzalez	Class 25
E EMILIO SACCI	3218199	Sirketi Limited Comany	Class 25

REYES

MARK	REG. NO.	REGISTRANT/LAST LISTED OWNER	CLASSES
ERNIE REYES	2620042	Ernie Reyes	Classes 25 and 41

RÉYES	2940953	Rema Group, LLC	Class 25
REYES THOMPSON ABSOLUTE POWER	2712598	Reyes West Coast Marshall Arts Association	Classes 25 and 41

CYNTHIA

MARK	REG. NO.	REGISTRANT/LAST LISTED OWNER	CLASSES
CYNTHIA STEFFE	1569876	Bernard Chaus, Inc.	Class 25
CYNTHIA MAX	2072392	California Apparel, Inc.	Class 25
CYNTHIA CYNTHIA STEFFE	2224693	Bernard Chaus, Inc.	Class 25
CYNTHIA TAYLOR	2470599	Home Shopping Club	Class 25
CYNTHIA K. CANTER	3364407	Cynthia K. Canter	Class 25
CYNTHIA BRADLEY	3059966	Caspian Casuals Corporation	Class 25
CYNTHIA WELLS & Design	3060231	Cynthia Y. Wells	Class 25
CYNTHIA ROWLEY	3212424	Cynthia Rowley	Class 25
CYNTHIA VINCENT	3144969	Cynthia Vincent	Classes 18 and 25
CYNTHIA ROWLEY	3306021	Cynthia Rowley	Class 18
CYNTHIA ROWLEY	3300792	Cynthia Rowley	Class 18
CYNTHIA H. DESIGNS	3286201	Cynthia S. Holvey	Classes 14 and 18
CYNTHIA POWERS	2468264	Egana of Switzerland	Class 14
CYNTHIA ROWLEY	2357781	Cynthia Rowley	Class 14
CYNTHIA NASH	3146560	Cynthia Nash, Ltd.	Class 14

CYNTHIA RYBAKOFF & Design	3132609	Cynthia Shapoff	Class 14
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Attached hereto as Exhibit A are printouts of these marks from the Trademark Electronic Search System (“TESS”) and the Trademark Applications and Registrations Retrieval (“TARR”) system on the United States Patent and Trademark Office website found at www.uspto.gov.

10. Attached hereto as Exhibit B are printouts from the Charlotte Russe and Charlotte Tarantola websites showing the marks as currently being used in commerce to sell apparel and jewelry, among other products.

11. Included below are examples found following a search of the PTO database of third-party registrations for marks that incorporate the name “Charlotte.” These marks coexist on the principal register for use on the same or highly related goods:

MARK	REG. NO.	REGISTRANT/ LAST LISTED OWNER	CLASSES	REG. DATE
CHARLOTTE RUSSE	2416268	Charlotte Russe Merchandising, Inc.	Class 18	12/26/00
CHARLOTTE RUSSE	2416273	Charlotte Russe Merchandising, Inc.	Class 25	12/26/00
CHARLOTTE RUSSE	2451427	Charlotte Russe Merchandising, Inc.	Class 3	5/15/01
CHARLOTTE RUSSE	2416269	Charlotte Russe Merchandising, Inc.	Class 14	12/26/00
CHARLOTTE RUSSE	2414477	Charlotte Russe Merchandising, Inc.	Class 42	12/19/00
CHARLOTTE RUSSE	2416270	Charlotte Russe Merchandising, Inc.	Class 26	12/26/00

CHARLOTTE RUSSE Stylized	1485692	Lawrence Merchandising Corporation	Class 42	4/19/88
CHARLOTTE Stylized	2117619	Ehringer-Schwarz GMBH & Co. KG	Class 14	12/2/97
CHARLOTTE CORDAY	2754463	JJJ International LLC	Class 25	8/19/03
CHARLOTTE'S ROOM	2502628	Charlotte Russe Merchandising, Inc.	Class 35	10/30/01

Attached hereto as Exhibit C are TESS and TARR printouts of the above-referenced marks.

12. Attached hereto as Exhibit D are true and correct copies the trademark registrations issued to CHARLOTTE RUSSE, including Registration No. 2416273 in Class 25 for clothing; Registration No. 2416270 in Class 26 for hair ornaments; Registration No. 2416269 in Class 14 for costume jewelry; Registration No. 2416268 in Class 18 for handbags and other related goods; Registration Nos. 2414477 and 1485692 in Class 42 for retail store services specializing in women's apparel and accessories; and Registration No. 2451427 in Class 3 for cosmetics.

13. GMA filed its first trademark applications for CHARLOTTE – Serial Nos. 75/403210, 75/403211 and 75/403212 – on December 10, 1997. Attached hereto as Exhibit E are TESS and TARR printouts of those applications.

14. Attached hereto as Exhibit F are GMA's declarations, made upon filing its trademark applications, in which GMA swore that “no other person, firm, corporation or association has the right to use such mark in commerce, with an identical form **or in such near resemblance thereto as may be likely**, when applied to the services of such other person, **to cause confusion, or to cause mistake, or to deceive**.” Altirs Declarations, dated December 10, 1997, Application Serial Nos. 75/403,211, 75/403,212 (emphasis added).²

² The declaration in support of application serial no. 75/403,210 is not available online and has not yet been

15. At that time, several other registered marks existed which used CHARLOTTE in combination with another word. True and correct copies of those registrations are attached hereto as Exhibit G, to the extent not previously attached. They include the following:

- CHARLOTTE RUSSE, filed August 19, 1998, based on first use in commerce of October 26, 1991, which issued as U.S. Registration No. 2,416,273 on December 26, 2000 for clothing, namely dresses, pants, shorts, skirts, blouses, jumpers, overalls, knit and woven tops, sweaters, t-shirts, pajamas, nightgowns, robes, loungewear, lingerie, slips, undergarments, panties, casual and dressy shoes, sandals, boots, sweatpants, sweatshirts, sweatsuits, tights, leggings, and socks; performance wear, namely jerseys, bicycle pants and gymnastic suits; sportswear, namely pants and shirts, swimwear, swimsuit cover-ups and leotards, tights, socks, shorts; outerwear, namely jackets, vests, coats, shells; and headgear, namely hats, caps, headbands, visors, and belts.³
- CHARLOTTE STING, filed December 11, 1996, based on a first use in commerce of June 1996, which issued as U.S. Registration No. 2,232,708 on March 16, 1999 for clothings, namely, hosiery, footwear, T-shirts, sweatshirts, sweatpants, pants, tank tops, jerseys, shorts, pajamas, sport shirts, rugby shirts, sweaters, belts, ties, nightshirts, hats, warm-up suits, jackets, parkas, coats, cloth bibs, head bands, wrist bands, aprons, boxer shirts, slacks, caps, ear muffs and gloves.
- UNC CHARLOTTE, filed June 19, 1991, based on a first use in commerce of 1986, which issued as U.S. Registration No. 1,727,518 on October 27, 1992, for, *inter alia*, sweatshirts, T-shirts, polo shirts, shorts, trunks, hats, sweats, and jackets.
- CHARLOTTE HORNETS, filed July 10, 1987, based on a first use in commerce of June 15, 1987, which issued as U.S. Registration No. 1,650,195 on July 9, 1991, for clothing, namely tee shirts.
- CHARLOTTE FORD, filed January 12, 1977, based on a first use in commerce of September 8, 1976, which issued as U.S. Registration No. 1,098,854 on August 8, 1978, for women's apparel, namely, sweaters, scarves, pants, blouses, skirts, jackets, blazers, handkerchiefs, dresses, sweater coats and suits. (Expired May 11, 1999).
- CHARLOTTE CHECKERS, filed March 20, 1996, based on a first use in commerce in class 25 of October 31, 1993, which issued as U.S. Registration No. 2,090,707, for, *inter alia*, in class 25, shirts; t-shirts; sweatshirts; jerseys; sweaters; hats; jackets.

produced by GMA.

³ As noted above, Charlotte Russe had a prior registration for retail store services with a first use date of November 4, 1975 and prior registrations for clothing with first use dates of January 7, 1979 (cancelled October 7, 1987) and August 1, 1986 (cancelled June 19, 1995). See U.S. Registration Nos. 1,150,497, 1,485,692, 1,516,446.

- CHARLOTTE SAYVILLE, filed October 1, 1993, based on a first use in commerce of December 31, 1965, which issued as U.S. Registration No. 1,860,139 on October 25, 1994, for retail store services in the field of men's, women's and children's clothing, accessories, shoes and general dry goods (expired November 4, 2001), and U.S. Registration No. 1,345,202 which issued on June 25, 1985, for retail store services in the fields of women's clothing and shoes. (Expired April 1, 2006).
- CHARLOTTE, filed August 2, 1996, which issued to Wolf-Peter Schwarz as U.S. Registration No. 2,117,619, on December 2, 1997, for jewelry made of natural, precious and nonprecious materials, namely, of gold, silver, platinum, iron, wood, leather, gemstones, ivory; jewelry, namely, pins, cuff links, earrings, necklaces; jewelry in the nature of hand, arm and leg ornaments made of the above material, namely, rings, bracelets, pins and broaches; watches.

16. Attached hereto as Exhibit H is a true and correct copy of John Bostany's letter to Chief Judge Wood, dated March 17, 2008.

17. Attached hereto as Exhibit I is a true and correct copy of GMA's Brief in Support of its Motion to Dismiss in the *Sanei* Case.

18. Attached hereto as Exhibit J is a true and correct copy of the Declaration of Andrew Sweeney, dated November 19, 2007, which was filed in the *Sanei* Case.

19. Attached hereto as Exhibit K is a true and correct copy of Ronson's Requests for Admissions, dated December 12, 2007, which were served on GMA in the *Sanei* Case.

20. Attached hereto as Exhibit L is a true and correct copy of GMA's Responses to Ronson's Requests for Admissions, dated January 11, 2008, which were served on Ronson in the *Sanei* Case.

21. Attached hereto as Exhibit M is a true and correct copy of GMA's Supplemental Responses to Requests for Admissions, dated February 28, 2008 and March 25, 2008, which were served on Ronson in the *Sanei* Case.

22. Attached hereto as Exhibit N is a true and correct copy of the letter from GMA's counsel to Charlotte Russe Merchandising, Inc. ("Russe"), dated March 9, 2001.

23. Attached hereto as Exhibit O is a true and correct copy of the letter from Russe's counsel to GMA's counsel, dated March 19, 2001.

24. Attached hereto as Exhibit P is a true and correct copy of GMA's counsel's response letter to Russe's counsel, dated March 20, 2001.

25. Attached hereto as Exhibit Q is a true and correct copy of the letter from GMA's counsel, dated August 18, 2000, which was filed in connection with the prosecution of Serial Number 75/857,222 for CHARLOTTE related to clothing, wherein GMA argued that its CHARLOTTE mark was not confusingly similar with the registered mark CHARLOTTE SAYVILLE for retail store services, in part, because the CHARLOTTE SAYVILLE mark had to be considered as a whole and will not lead to a likelihood of confusion of the public.

26. Attached hereto as Exhibit R is a true and correct copy of *S.E.C. v. Platinum Investment Corp.*, 98 Fed. Appx. 33 (2d Cir. 2004).

27. GMA requested that Ronson's counsel sign a stipulation consenting to the addition of a number of Ronson's retailers as counterclaim defendants in the *Sanei* Case. GMA's counsel sent a stipulation to Ronson's counsel on or about March 25, 2008. That same day Ronson's counsel made changes to the stipulation and return a signed copy to GMA's counsel via email. To date, GMA's counsel has failed to file the stipulation with the Court or return a fully executed stipulation to Ronson's counsel.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
April 11, 2008

/s/ Mary L. Grieco
Mary L. Grieco